

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE ENROLLED ACT No. 397

AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 13-14-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) The department shall, in cooperation with other state agencies, establish programs to educate:

- (1) students;
- (2) consumers; and
- (3) businesses;

about the benefits of solid waste recycling and source reduction.

(b) To implement the programs established under subsection (a), the department shall, **subject to section 11.5 of this chapter**, develop guidance documents and technical assistance programs.

SECTION 2. IC 13-14-1-11.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 11.5. (a) If the department utilizes a policy or statement that:

- (1) interprets, supplements, or implements a statute or rule;
- (2) has not been adopted in compliance with IC 4-22-2;
- (3) is not intended by the department to have the effect of law; and
- (4) is not related solely to internal department organization;

the policy or statement may **not** be put into effect ~~once~~ **until thirty (30) days after** the policy or statement is made available for public

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inspection and ~~copying~~ **comment and presented to the appropriate board.**

(b) If the department utilizes a policy or statement described in subsection (a), the department shall distribute:

- (1) two (2) copies of the policy or statement to the publisher of the Indiana Register for publication in the Indiana Register; and
- (2) the copies required under IC 4-23-7.1-26 to the Indiana library and historical department.

(c) The department shall:

- (1) maintain a current list of all department policies and statements described in subsection (a) that the department may use in the department's external affairs; and
- (2) update the list at least one (1) time each month.

(d) The department shall include the following information on the list described in subsection (c) for each policy or statement:

- (1) The title of the policy or statement.
- (2) The identification number of the policy or statement.
- (3) The date the policy or statement was originally adopted.
- (4) The date the policy or statement was last revised.
- (5) A reference to all other policies or statements described in subsection (a) that are repealed or amended by the policy or statement.
- (6) A brief description of the subject matter of the policy or statement.

(e) At least one (1) time every three (3) months, the department shall distribute two (2) copies of the list maintained and updated under subsection (c) to the following:

- (1) The publisher of the Indiana Register.
- (2) The Indiana library and historical department.

SECTION 3. IC 13-27-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) Guidance documents, technical assistance manuals, and policies developed or used in implementing programs under this article are not binding on participating businesses.

(b) Subject to subsection (e), the air pollution control board, the water pollution control board, the solid waste management board, or the department may not do the following:

- (1) **Subject to IC 13-14-1-11.5**, incorporate documents, manuals, or policies developed under this article into rules adopted under IC 4-22-2.
- (2) Adopt rules under IC 4-22-2 requiring business implementation of pollution prevention practices or of clean

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manufacturing by means of any of the following:

- (A) Permit conditions.
- (B) Enforcement actions.
- (C) Other department actions.

(c) Subsection (b) only applies to pollution prevention as defined in this title.

(d) Subsection (b) does not apply to authority granted under federal law to implement pollution prevention as defined under any of the following:

- (1) Federally delegated air, water, solid waste, and other programs.
- (2) Guidance documents developed to implement programs described in subdivision (1).
- (3) Programs established under IC 13-20-3, IC 13-20-22, or IC 13-21.

(e) The department shall do the following:

- (1) Present pollution prevention as an option to businesses in any of the following:
 - (A) Permit conditions.
 - (B) Enforcement actions.
 - (C) Other department actions.
- (2) Direct manufacturers to the clean manufacturing technology and safe materials institute for technical assistance in clean manufacturing.

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